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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,184	06/27/2001	James E. Jaussi	884.511US1	3878

7590

06/27/2002

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EXAMINER

WELLS, KENNETH B

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,184

Applicant(s)

JAUSSI ET AL.

Examiner

Kenneth B. Wells

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 18-28 is/are rejected.
- 7) ☒ Claim(s) 12-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. This office action, which adds a new paragraph (para no. 9, infra) replaces the previous office action mailed out on 5/22/02.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The legal terminology "comprising" should be deleted from line 1.

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3. The drawings are objected to because it appears from the description in the specification that the switch 114 and the switches 164, 166 should not be illustrated in the same figure (since the specification describes these elements as being part of two alternative embodiments). Thus, it is not clear to the examiner if the first embodiment includes the switches 164, 166 or not. It is similarly not clear if the second embodiment includes switch 114 or not.

It is also not clear what voltage the common node 168 is supposed to be at in Fig. 1A. Is this supposed to be ground?

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Claim 12 is objected to because of the following informalities: the recitation of "the switch" lacks clear antecedent basis, since there are plural switches recited previously. Appropriate correction is required.

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-9 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by You et al.

Note Fig. 9, where the first stage is circuit 956; the second stage is circuit 958; the switch is element 920; and the non-linear load is circuit 954.

6. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Nishimura et al.

Note Fig. 2, where the first stage is all of the circuitry to the left of FETs Q14 and Q16; the second stage is all of the circuitry to the right of FETs Q8, Q12 and Q13; the pair of input nodes are IN1 and IN2; the pair of output nodes are OUT, OUTB; the first and second switches are FETs Q8 and Q7, respectively; the non-linear load is formed by FETs Q9 and Q10; and the common node is the VDD terminal.

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over You et al.

As to claim 19, forming the two stages on different dies would have been obvious to those having ordinary skill in the art who would easily recognize that this would provide the advantage of interchangeability of the first and second stages individually, rather than having to change them both at the same time.

As to claims 20-22, those having ordinary skill in the art will also recognize that the amplifier circuits of You et al are intended to be used with other types of circuits, processors, etc (the motivation to use the You et al amplifier with other circuitry is simply to obtain the benefits taught by You et al).

As to claims 24-28, all of the limitations of these claims are taught by You et al, except for equalizing the second stage output nodes "about one gate delay after" equalizing the first

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stage output nodes. This limitation does not define over You et al because "one gate delay" can be any time delay (since the gate delay has not been defined by applicant), and those skilled in the art will recognize that the second stage output nodes can be either equalized concurrently with the output nodes of the first stage, or subsequent thereto, without any unexpected results or change in operation of the Fig. 9 circuit disclosed by You et al.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al.

The use of a pair of differential amplifiers to form the first stage would have been obvious as well, since applicant discloses this to be known in the art (from USP 6,172,535) and those having ordinary skill in the art know that a differential stage can be formed using either one pair or two pairs of differentially coupled transistors.

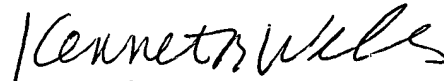
9. Claims 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (703) 308-4809. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached on (703) 308-4876. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Kenneth B. Wells
Primary Examiner
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May 18, 2002